

AN ACT

o Regulate and Improve the Civil Service of the Cities of the First Class in the Commonwealth of Pennsylvania.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same; that:—

Establishment of the Merit System.

On and after the first day of June, 1906, appointments to and promotions in the Civil Service of the cities of the first class shall be made only according to qualification and fitness, to be ascertained, as far as practicable, by examinations, which, so far as practicable, shall be competitive. On and after the said date no person shall be appointed, transferred, reinstated or promoted as an officer, clerk, employee or laborer in the Civil Service under the government of any city of the first class in any manner or by any means other than those prescribed in this Act. This Act shall take effect on the first day of June, 1906.

Civil Service Commission.

Sec. 2. The Civil Service Commission of each city of the first class shall consist of three Commissioners, to be appointed by the Mayor. The persons appointed Commissioners shall be men in full sympathy with the purposes of this act. Not more than two of the said Commissioners at any one time shall be adherents of the same political party. The Commissioners in each city shall be appointed as follows: On June 1, 1906, the Mayor of each city of the first class shall appoint three commissioners, the first to serve for a term of five years, the second for a term of four years, and the third for the term of three years. The Mayor shall appoint

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one of the Commissioners President of the Commission and one the Secretary. At the expiration of each of the said terms the Mayor shall appoint a Commissioner to serve for the full term of five years. Thereafter each Commissioner shall be appointed for a full term of five years. The Mayor may at any time remove a Commissioner for good cause and appoint a successor to serve for the remainder of the term. The Commissioners shall hold no other office under the United States, the Commonwealth of Pennsylvania or any city or county thereof. The President of the Commission shall receive a salary of thirty-five hundred dollars per year. Each of the other Commissioners shall be paid a salary of fifteen hundred dollars per year. The Commissioners shall qualify by filing with the Mayor an oath to perform faithfully the duties of their office.

Officers and Employees of the Commission.

Sec. 3. The Civil Service Commission in each city shall employ a chief examiner, and such other clerks, examiners and employees as it may deem necessary or proper to carry out the purposes of this Act. The clerks, examiners and employees shall receive salaries to be fixed by the Civil Service Commission. Councils shall annually appropriate the sums necessary for the work of the Commission. The Commission shall not expend or authorize the expenditure of moneys for any purpose in excess of the sums appropriated therefor by law.

Duties of Public Officers.

Sec. 4. No officer or officers having the power of appointment or employment to the Civil Service of any city of the first class, or of any person to be paid by the City Treasurer in cities of the first class, shall, after May 31, 1906, select or appoint any person for appointment, employment, promotion or reinstatement, except in accordance with the provisions of this Act and the rules and regulations prescribed thereunder.

Rooms and Accommodations.

Sec. 5. It shall be the duty of the Mayor and heads of departments of every city of the first class to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated and lighted, for carrying on the work and examinations of the Civil Service Commission. The Civil Service Commission may order from the proper authorities the necessary stationery, postage stamps and official seal and other articles to be supplied, and the necessary printing to be done for its official use. It shall be the duty of the officers of every city of the first class to aid the said Civil Service Commission in all proper ways in carrying out the provisions of this Act, and to allow the reasonable use of public buildings and to heat and light the same for holding examinations and investigations, and in all proper ways to facilitate the same.

The Powers and Duties of the Commission.

Sec. 6. The Civil Service Commission in each city of the first class shall:

First.—Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this Act. All rules so prepared may from time to time, be added to, amended or rescinded, provided that all rules shall be approved by the Mayor before they go into effect, but when so approved shall not be annulled or changed except by the Commission with the approval of the Mayor.

Second.—Keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office received by the said Commission or by any officer having authority to make appointments to office, shall be kept and preserved; and all such records, recommendations of former employers excepted, and all written causes

of removal filed with it, shall, subject to reasonable regulations, be open to public inspection.

Third.—Make investigations, either sitting as a body or through a single Commissioner, concerning all matters touching the enforcement and effect of the provisions of this Act, and the rules and regulations prescribed thereunder, concerning the action of any examiner or subordinate of the Commission and any person in the public service, in respect to the execution of this Act, and in the course of such investigations each Commissioner and the secretary and the chief examiner shall have power to administer oaths and affirmations and to take testimony.

Fourth.—Have power to subpoena and require the attendance in this State of witnesses and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require in relation to any matter which it has the authority to investigate. The fees of such witnesses for attendance and travel shall be the same as for witnesses before the Courts of Common Pleas, and shall be paid from the appropriations for the incidental expenses of the Commission. All officers in the public service and their deputies, clerks, subordinates and employees shall attend and testify when required to do so by said Commission. Any disobedience to or neglect of any subpoena issued by the said Commissioners or any one of them to any person, shall be held a contempt of court and shall be punished by any Court of Common Pleas of this Commonwealth, as if such subpoena had been issued therefrom. Any judge of any of said courts shall, upon the application of any one of said Commissioners in such cases, cause the process of said court to issue to compel such person or persons disobeying or neglecting any such subpoena to appear and to give testimony before the said Commissioners or any one of them and shall have power to punish any such contempt.

Fifth.—Make an annual report to the Mayor showing its own actions, the rules and regulations and all the exceptions thereto in force, and the practical effects thereof and any suggestions it may approve for the more effectual accomplishment of the purposes of this Act. Five hundred copies of the Annual Reports shall be printed for public distribution.

Unclassified Service—Classified Service.

Sec. 7. The Civil Service of the cities of the first class shall be divided into the unclassified service and the classified service. The unclassified service shall comprise:

All officers elected by the people.

All Heads of Departments whose appointment is subject to confirmation by the Select Council thereof.

All persons appointed by name in any statute.

The classified service shall comprise all persons not included in the unclassified service.

Rules for the Classified Service.

Sec. 8. The Civil Service Commission in each city shall make rules and regulations providing for examinations for positions in the classified service of each city, and for appointments to, and promotions therein, and for such other matters as are necessary to carry out the purposes of this Act. Due notice of the contents of such rules and regulations and of any modifications thereof shall be given by mail in due season to appointing officers and heads of departments affected thereby, and said rules and regulations and modifications thereof shall also be printed for public distribution. All original appointments to the competitive and non-competitive classes of the classified service shall be for a probationary period of three months; provided, however, that at any time during the probationary period the appointee may be dismissed for just cause in the manner provided in Section 20. If, at the close of this probationary term, the conduct or capacity of the pro-

bationer has not been satisfactory to the appointing officer, the probationer shall be notified in writing that he will not receive absolute appointment; otherwise his retention in the service shall be equivalent to his final appointment.

Examinations—Procedure.

Sec. 9. All examinations for positions in the classified service shall be practical in their character and shall relate to those matters which will fairly test the qualifications and fitness of the persons examined to discharge the duties of the office or employment sought by them. All examinations shall be free and open to all applicants who have fulfilled the preliminary requirements stated in Section 10 of this Act. The examinations of applicants for employment as laborers shall relate to their capacity for labor, their habits as to sobriety and industry, and their experience in the kind of work for which they apply. All applicants for any position in the classified service may, subject to the regulations adopted by the Civil Service Commission, be required to submit to a physical examination before being admitted to the regular examinations held by the said Commission. Adequate public notice of the time and place of every examination held under the provisions of this Act, together with information as to the kind of position or place to be filled, shall be given at least two weeks prior to such examinations. The said Commission shall adopt reasonable regulations for permitting the presence of representatives of the press at the examinations. The names of the candidates passing any examination and the order of their standing on any eligible list shall be made part of the public records of the Civil Service Commission.

Applications.

Sec. 10. The Civil Service Commission in each city shall require persons applying for admission to any examination provided for under this Act or under the

rules and regulations of the said Commission, to file in its office a reasonable time prior to the proposed examination a formal application, in which the applicant shall state under oath or affirmation:

1. His full name, residence and post office address.
2. His citizenship, age, and the place and date of his birth.
3. His health and his physical capacity for public service.
4. His business and employments and residences for at least the three previous years.
5. Such other information as may reasonably be required touching the applicant's qualifications and fitness for the public service.

Blank forms for such applications shall be furnished by the said Commission without charge to all persons requesting the same. The said Commission may require, in connection with such application, such certificates of citizens, physicians or others having knowledge of the applicant as the good of the service may require. The said Commission may refuse to examine an applicant, or after examination to certify an eligible, who is found to lack any of the established preliminary requirements for the examination or position or employment for which he applies, or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment, or who is addicted to the habitual use of intoxicating liquors or drugs to excess, or who has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made a false statement of any material fact, or practiced or attempted to practice, any deception or fraud in his application, in his examination, or in securing his eligibility or appointment. Whenever the said Commission refuses to examine an applicant or after an examination to certify an eligible, as provided in

• this section, then said Commission, if requested by the person so rejected, shall give to him a full and explicit statement of the exact cause of such refusal to examine or to certify, as the case may be. When any position to be filled involves fiduciary responsibility, the appointing officer may require the appointee to furnish a bond or other security, and shall notify the Commission of the amount and other details thereof; provided, however, that any surety company, the bond of which are accepted by a judge of any court of record of the county wherein the city is located, shall be a sufficient surety on any such bond.

Classification.

Sec. 11. The officers, positions and employment in the classified service of every city of the first class shall be arranged by the Civil Service Commission in four classes to be designated as the exempt class, the competitive class, the non-competitive class and the labor class.

The Exempt Class.

Sec. 12. The following positions shall be included in the exempt class:

1. The assistant directors of the Executive Departments.
2. One secretary and one confidential clerk to the Mayor, and one confidential clerk to the Director of each Executive Department.
3. In addition to the above, there may be included in the exempt class all other officers or positions, except laborers, for the filling of which competitive or non-competitive examinations, shall be found by the Civil Service Commission to be impracticable. But no office or position shall be deemed to be in the exempt class unless it is specifically named in such class in the rules, and the reasons for each such exemption shall be stated separately in the annual reports of the said

Commission. Not more than one appointment shall be made to or under the title of any such office or position unless a different number is specifically mentioned in the rules. No office or position shall be classified by the Commission in the exempt class except after public hearing by the Commission or any member thereof. Suitable public notice of such hearings shall be given by the said Commission. At any such hearing any taxpayer of any city of the first class shall have the right to be heard, either in person or by counsel, either in opposition to or in favor of the proposed exemption. Appointments in the exempt class may be made without examination.

The Competitive Class.

Sec. 13. The competitive class shall include all positions and employments now existing or hereafter created, of whatever functions, designations or compensation, in each and every branch of the classified service, except such positions as are in the exempt class, the non-competitive class or the labor class. Appointments shall be made to or employment shall be given in all positions in the competitive class that are not filled by promotions, reinstatement, transfer or reduction under the provisions of this Act and the rules made in pursuance thereof, by appointment from among those certified to the appointing officer in accordance with the provisions of Section 14 of this Act. The term of eligibility of an applicant shall be fixed for each list by the Civil Service Commission at not less than one nor more than three years. Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created for a stated position only when there is no appropriate list existing from which appointment may be made. No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall be

transferred to any position subject to a competitive examination, unless he shall have previously passed an open competitive examination equivalent to that required for such position.

Appointments in the Competitive Class.

Sec. 14. Every position or employment in the competitive class, unless filled by promotion, transfer, reinstatement or reduction, shall be filled only in the following manner. The appointing officer shall request the certification of eligibles. The Civil Service Commission shall thereupon certify from the eligible register most nearly appropriate to the position to be filled, the names of the three persons thereon, who received the highest averages at examinations, held under the provisions of this Act; provided, however that no such name shall be certified more than three times to the same appointing officer for the same or a similar position. The appointing officer shall, with sole reference to the relative qualifications and fitness of the candidates, make a selection from the three names certified, unless objection shall be made by him, and sustained by the Commission, to one or more of the persons certified for any of the reasons stated in Section 10. It shall be the duty of the appointing officer to appoint the person so selected for a probationary period as provided in Section 8. The provisions of this Section (14) shall not apply to positions which are specially excepted as provided in Section 15.

Exceptions from Competitive Examination.

Sec 15. Positions in the competitive class may be filled without competition only as follows:

1. Whenever there are urgent reasons for filling a vacancy in any position in the competitive class and there is no list of persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the Civil Service Commission for

n-competitive examination, and if such nominee shall be certified by the said Commission as qualified after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination, but such provisional appointment shall not continue for a longer period than three months, nor shall all successive temporary appointments be made to the same position under this provision.

2. In case of vacancy in a position in the competitive class where peculiar and exceptional qualifications of a scientific, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable, and that the position can be best filled by the selection of some designated person of high and recognized attainments in such qualities, the said Commission may suspend the provisions of the statute requiring competition in such case, but no such suspension shall be general in its application to such place, and all such cases of suspension shall be reported in the annual report of the Commission with the reasons for the same.

3. Where the services to be rendered by an appointee in the service of any city of the first class are for a temporary period not to exceed one month, and the need of such service is important and urgent, the appointing officer may select for such temporary service any person on the proper list of those eligible for permanent appointment without regard to his standing on such list. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position.

Promotions.

Sec. 16. Promotions shall be based upon merit and fitness, to be ascertained according to rules and regulations to be promulgated by the Civil Service Commission in each city, to be approved by the Mayor as hereinbefore provided.

Transfers—Reinstatements.

Sec. 17. The Civil Service Commission in each city shall promulgate rules and regulations relating to transfers and reinstatements in the service, to be approved by the Mayor as hereinbefore provided.

The Non-competitive Class.

Sec. 18. The non-competitive class shall include only such positions as are not in the exempt class or the labor class, and which it is impracticable in the judgment of the Civil Service Commission to include in the competitive class. Appointments to positions in the non-competitive class shall be made after such non-competitive examination as is prescribed by the rules of the Civil Service Commission. The said Commission shall state in its annual report the number of persons who come within this class, and the character of their services.

The Labor Class.

Sec. 19. The labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered by the Civil Service Commission. Preference in employment from such lists shall be given according to rules and regulations to be promulgated by the Civil Service Commission in each city.

Removals and Reductions.

Sec. 20. No officer, clerk or employee in the competitive class or in the non-competitive class of the classified Civil Service of any city of the first class

no shall have been appointed under the provisions of this Act, or of the rules made pursuant thereto, shall be removed, discharged or reduced in pay or position, except for just cause, which shall not be religious or political. Further, no such officer, clerk or employee shall be removed, discharged or reduced, except as provided in Section 8 of this Act, until he shall have been furnished with a written statement of the reasons for such action and been allowed to give the removing officer such written answer as the person ought to be removed may desire. In every case of such removal or reduction a copy of the statement of reasons therefor and of the written answer thereto shall be furnished to the Civil Service Commission and entered upon its public records. Nothing in this shall alter the procedure required for the removal or punishment of policemen and firemen as provided in Article III, Section 1 of the Act of June 1, 1885, relating to the Government of cities of the first class.

Official Roster—Reports of Appointing Officers.

Sec. 21. No person shall be appointed to or employed in any position in the classified service for which rules shall have been prescribed pursuant to the provisions of this Act, until he has passed an examination or is shown to be specially exempted from such examination in conformity with the provisions of this Act and of the rules made pursuant thereto. It shall be the duty of each appointing officer of every city of the first class to report to the Civil Service Commission forthwith upon such appointment or employment the name of such appointee or employee, the title of his office or employment, the date of commencement of service by virtue thereof, and the salary or compensation thereof, and to report from time to time any separation of a person from the service, or other change therein, and such other information as the Civil Service Commission may require, in order to

keep the roster hereinafter mentioned. The Civil Service Commission shall keep in its office official rosters of the classified Civil Service of the city, laborers excepted, and shall enter thereon the name of each and every person who has been appointed to, employed, promoted, reduced or reinstated in any position in such service, upon such evidence as it may require or deem satisfactory that such person was appointed to, employed, promoted, reduced or reinstated in the service in conformity with the provisions of this Act, and the rules adopted pursuant thereto. These rosters shall be open to public inspection at all reasonable hours. The rosters shall show in connection with each name the date of appointment, employment, promotion, reduction or reinstatement, the compensation of the position, the title of the position, and the date and cause of any termination of such office or employment.

Disbursing Officers.

Sec. 22. It shall be unlawful for the Controller of any city of the first class to audit and approve the warrants for the salary of any person in the classified service unless the Controller shall have previously received notice from the Civil Service Commission that the persons named thereon have been legally appointed.

Political and Religious Discrimination Prohibited.

Sec. 23. No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations, and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened or promised by any person in the Civil Service against or in favor of an applicant, eligible, or employee in the classified service because of his political or religious opinions or affiliations.

Violations.

Sec. 24. Whoever, after a rule has been duly established and published according to the provisions of his Act, makes an appointment to office or selects a person for employment contrary to the provisions of such rule, or wilfully refuses or neglects otherwise to comply with or to conform to the provisions of this Act, or violates any of such provisions, shall be deemed guilty of a misdemeanor.

Penalties.

Sec. 25. Misdemeanors under the provisions of this Act shall be punishable by a fine of not less than fifty dollars nor more than one thousand dollars, in the discretion of the court.

Effect on Present Employees.

Sec. 26. All officers, clerks and employees in cities of the first class holding office on the first day of June, 1906, shall be construed to have been appointed under the provisions of this Act, and shall hold their offices in accordance therewith.

Repealing Clause.

Sec. 29. All Acts and parts of Acts of Assembly of this Commonwealth general, special, or local, in relation to the Civil Service of cities of the first class, inconsistent with this Act, be and the same are hereby repealed. It is intended by this Act to furnish a complete and exclusive system for the appointment, promotion, reduction, transfer, removal or reinstatement of all officers, clerks, laborers and other employees in the Civil Service of cities of the first class in this Commonwealth.

